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> COMPLIMENTARY BENEFIT A. C. SMITH AND J. B. SIPE.

When a fine bill will be offered.

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FRANKLIN BROTH ERS. Pouble-clog Dancers. BOB HALL, MASTER MORISEY.

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WASHINGTON. D. C., THURSDAY, JUNE 29, 1865. Var. XXV.

Nº. 3,815.

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THIS (Thursday) EVENING, JUNE 29,
BENEFIT OF MISS BUSAN DENIN,
The only time of the great American Brams of
MOLL PITCHER,

MOLL PITCHER,
In which Miss Denin appears in the character of
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First appearance of the Charming Actress,
MISS ANNIE WARD,
From Chestnut Street Theater, Philadelphia.
The Youthful, Beautiful, Artistic Danseuse,
M'LLE AUGUSTA,
Is one of her most finished efforts.
TO MORROW, (FRIDAY,) NIGHT, JUNE 30,
The Entire Original Five Act Play of
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MATINEE SATURDAY AFTERNOON,

TWO GRAND GALA PERFORMANCES MISS SUSAN DENIN RESPECTFULLY AN MISS SUSAN DENIN EESPECTFULLY ANnounces to ber friends and the public that, through the kindness of Mr. C. D. Hess, she is enabled to announce THURSDAY, the 29th, as the time fixed upon for her FAREWELL BENEFIT, on which occasion she hopes her friends and the public generally will come en masse, as pains will be taken to present a bill of great attraction.

Trusting that her efforts to please during the time she has been engaged with Mr. Grover have been appreciated, she confidently trusts to the Washington public to reward her.

je26-4t Washington public to reward her.

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FANNY FORBEST.
ANDREW J. LEAVITT. PRANK DONALDSON,
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together with the whole of the Large and talented
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Bengola Lights,
Bed, White and Blue, new,
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Fine Exhibition Pieces. Pulling Crackers, Torpedees, Flotillas, Chinese Bombs, Fire Balloons,
Toy Cannens,
Cracker Pistols,
Torpedo and Cracker Pistols combined—a new article. Transperent Lanterns, Toy Drums, Spangalettes, new, Rosettes, new, Floral Shells, new,

Come everybody and get your supplies for the GLOBIOUS FOURTH. For the Star Spangled Banner still floats on the breeze,
Not a star of its glory's gone out;
Oh, long may it wave o'er the land of the brave,
For the Union, the Union, we'll shout.

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WILD CHERRY TONIC BITTERS. This PROPHYLATIC is sold by all Druggists This great PANACEA has been established 20 years. Its medical properties are TONIC, ASTRINGENT AND AROMATIC.

It will eradicate all derangement of the STOM-ACH and BOWELS. It gives STRENGTH AND BEAUTY TO THE YOUNG. REJUVENATES THE OLD,

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And Dealers in Butter, Hops, Mait, &c.

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Brewers and Bakers are respectfully solicited to examine our stock, which will be sold at New York Prices. York Prices.

N. B.—Special attention will be given to the Butter Trade. Buyers and consumers will always find a good stock and good bargains at our House.

All kinds of Produce and Merchandise received. and sold on commission.

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PEXFORD'S MEDICATED GINGER BREAD IN NUTS, for worms, unrivaled in efficacy, and peculiarly adapted for children, being eaten as an ordinary cake.

For sale by druggists. Price 25 cen per box, for leading the color. jan 19-eoly

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BUILDER'S, BLACKSMITH'S, HOUSEHOLD and GENERAL MARDWARD and OUTLERY. Out and Wrought Nails, Spikes, Horse-shoes and Horse shoe Nail: Basps, Files, Springs, Axles, Axletrees, Nute and Washers, Anvils, Vices, Shovels, Picks, Axes, Bope, Glue, Split Came for chair bottoms,

all of which we offer at THE LOWEST CASH PRICE. [feb 14-ly] NAVAL DUTIES AND DISCIPLINE, with the Policy and Principles of Naval Organian. By Lient. Som, P. A. Roe. FRANCK TAYLUE.

THE CONSPIRACY TRIALS. THE ARGUMENT OF JUDGE BING-

After our report closed yesterday-Judge Bingham, proceeding with his argument upon the evidence, and tracing out the course of the conspiracy, took up the Charles Selby letter, found by Mrs Hudspeth in the street cars of New York on the 11th of Novemter, and handed by her to Gen. Dix the same day, which was transmitted by Gen. D. to the War Department, was delivered to Mr. Lincoln, who considered it important enough to endorse it with the word "assassination," and file it in his office, where it was found after the commission of this crime and brought into this Court to bear witness against his assassins. This letter, dropped by Booth, shows most conclusively that Booth was in New

Although this letter would imply that the assassination spoken of was to take place

York on the 11th of November.

speedily, yet the party was to bide his time. Phough he had entered into the preliminary arrangements in Canada, although conspirators had doubtless agreed to co-operate with him in the commission of the crime, and lots had been cast for the chief part in the bloody drama, yet it remained for him as the leader and principal of the hired assassins, by whose hand their employers were to strike the murderous blow, to collect about him and bring to Washington such persons as would be wilng to lend themselves for a price to the horrid crime and likely to give the necessary aid support in its consummation. The letter declares that Abraham Lincoln must die, and now, meaning as soon as the agents can be em-ployed and the work done. To that end you will bide your time. But, says the gentleman, it could not have been the same conspiracy charged here to which this letter refers. not! It is charged here that Booth, with the accused and others, conspired to kill and murder Abraham Lincoln—that is precisely the conspiracy disclosed in the letter. Granted that the parties on trial had not then entered into the combination; if they at any time afterward entered into it they became parties to it, and the con-spiracy was still the same. But, says the gentleman, the words of the letter imply that the conspiracy was to be executed within the fortnight. Booth is directed, by the name of Louis, to meet the writer within the fortnight. It by no means follows that he was to strike within the fortnight, because he was to meet his coconspirator within that time, and any such conclusion is excluded by the words "Bide your time." Even if the conspiracy was to be executed within the fortnight, and was not so executed, and the same party, Booth, afterwards by concert and agreement with the accused and others did execute it by "striking sure" and killing the President, that act whenever done would be but the execution of the same conspiracy. The letter is conclusive evidence of so much of this conspiracy as relates to the murder of President Lincoln. As Booth was to do anything but fail, he immediately thereafter sought out the agents to enable him to strike spre, and execute all that he had agreed with Davis and his co-confederates in Canada to do—to murder the President, the Secretary of State, the Vice President, Gen'l Grant and Secretary Stanton.

Even Booth's co-conspirator, Payne, now on his trial, by his defense admits all this, and says Booth had just been to Canada, "was filled with a mighty scheme, and was lying in wait for agents." Booth asked the co-operation of the prisener Payne, and said: "I will give you as much money as you want; but mree you must swear to stick by me. It is in the oil business." This you are told by the accused was early in March last. Thus guilt bears witness against itself.

We find Booth in New York in November. December, and January, urging Chester to enter into this combination, assuring him that there was money in it; that they had "friends on the other side;" that if he would only participate in it he would never want for money while he lived, and all that was asked of him was to stand at and open the back door of Ford's Theater. Booth, in his interviews with Chester, confesses that he is without money himself, and allows Chester to reimburse him the \$50 which he (Booth) had transmitted to him in a letter for the purpose of paying his expases to Washington as one of the parties to this conspiracy. Booth told him, although he himself was penniless, "there is money in this, we have friends on the other side;" and if you will but engage, I will have three thousand dollars deposited at once for the use of

your family. Failing to secure the services of Chester, be cause his soul recoiled with abhorrence from the foul work of assassination and murder, he found more willing instruments in others whom he gathered about him. Men to commit the assassinations, horses to secure speedy and certain escape, were to be provided, and to this end Booth, with an energy worth of a better cause, applies himself. For this latter purpose he told Chester he had already expended \$5,000. In the latter part of November, 1664, he visits Charles county, Maryland, and is in company with one of the prisoners, Dr. Samuel A Mudd, with whom he lodged over night, and through whom he procures of 6 ardner one of the several horses which were at his disposal, and used by him and his co-conspirators in Washington on the night of the assassination.

Some time in January last, it is in testimony,

that the prisoner Mudd introduced Booth to John H. Surratt and the witness Weichmann that Booth invited them to the National Hotel that when there, in the room to which Booth took them, Mudd went out into the passage, called Booth out and had a private conversatibn with him, leaving the witness and Surratt in the room. Upon their return to the room Booth went out with Surratt, and upon their coming in all three, Booth, Surratt and Samnel A. Mudd, went out together and had a conversation in the passage, leaving witness alone. Up to the time of this interview it seems that neither the witness or Surratt had any knowledge of Booth, as they were then introduced to him by Dr. Mudd. Whether Surratt had in fact previously known Booth it is not important to inquire. Mudd deemed it necessary, perhaps a wise precau-tion, to introduce Surratt to Booth; he also deemed it necessary to have a private conversation with Booth shortly afterwards, and directly upon that to have a conversation together with Booth and Surratt alone. Had this conversation, no part of which was heard by the witness, been perfectly innocent, it is not to be presumed that Dr. Mudd, who was an entire stranger to Weichmann, would have deemed it necessary to hold the conversation secretly, nor to have volunteered to tell the witness, or rather pretend to tell him, what the conversation was; yet he did say to the witness, upon their return to the room, by way of apology, probably, for the privacy of the conversation, that Booth had some private business with him, and wished to purchase his farm. This silly device, as is often the case in attempts at deception, failed in the execution; for it remains to be shown how the fact that Mudd had private business with Booth, and that Booth wished to purchase his farm, made it at all necessary or even proper that they should both volunteer to call out Surratt, who up to that moment was a stranger to Booth. What had Surratt to do with Booth's purchase of Mudd's farm! And if it was necessary to withdraw and talk by themselves secretly about the sale of the farm, why should they disclose the fact to the very man from whom

they had concealed it ! Upon the return of these three parties to the room, they seated themselves at a table and upon the back of an envelope Booth traced lines with a pencil, indicating, as the witness states, the direction of roads. Why was this done? As Booth had been previously in that section of the country, as the prisoner in his defence has taken great pains to show, it was certainly not necessary to anything connected with the purchase of Mudd's farm that at that time he should be indicating the direction of roads to or from it; nor is it made to appear by anything in this testimony, how it comes that Surratt, as the witness testifies, seemed to be as much interested in the marking out of these roads as Mudd or Booth. It does not appear that Surratt was in anywise connected with or interested in the sale of Mudd's farm. From all that has transpired since this meeting at the hotel, it would seem that this plotting the roads was intended, not so much to show the road to Mudd's farm as to point out the shortest and safest route for flight from the

capital, to their "triends on the other side." In the light of other facts in this case, is it clear that this secret meeting between Booth. Surratt, and Mudd was a conference looking to the execution of this conspiracy. It so impressed the prisoner—it so impressed his coun-sel, that they deemed it necessary and abso-lutely essential to their defence to attempt to destroy the credibility of the witness Weich-man. They have not attempted to impeach his general reputation for truth by the testimony of a single witness, nor have they impeached his testimony by calling a single witness to

discredit one material fact to which he has testified in this issue. Failing to find a breath of suspicion against Weichman's character, or to contradict a single fact, to which he testified, the accused had to fly to the last resort au alibi, and very earnestly did the learned coun-sel devote himself to the task. It is not material whether this meeting in the hotel took place on the 23d of December or in January. The witness is not certain about the date of this raceting. The material fact is, did this meeting take place-either on the 23d of December or in January last? Of what avail is the attempt to prove that

Mudd was not here during January, if it was clear that he was here on the 23d of December, 1864, and bad this conversation with Booth! That this attempt to prove an alibi during January has failed, is quite as clear as is the proof of the fact that the pri-oner was here on the evening of the 23d of December, and present in the National Hotel, where Booth stopped. The fact that the prisoner, Samuel A Mudd, went with J. T. Mudd on that evening to the National Hotel, and there separated from him, is proven by his own witness, J. T. Mudd: and that he did not rejoin him until they retired to bed in the Pennsylvania Hotel is proved by the same witness, and contradicted by nobody. Does any one suppose there would have been such assiduous care to prove that the prisoner was with his kinsman all the time on the 23d of December in Washington, if they had not known that Booth was then at the National Hotel, and that a meeting of the prisoner with Booth, Surratt, and Weichmann on that day would corroborate' and confirm Weichmann's testimony in every material statement he made concerning that meeting!

The accused having signally failed to account for his absence after he separated from his witness, J. T. Mudd, early in the evening of the 23d of December, at the National Hotel, until they had again met at the Pennsylvania House, when they retired to rest, he now attempts to prove an alibi as to the month of January. In this he has failed, as he failed in the attempt to show that he could not have met Booth. Surratt, and Weichmann on the 23d of December.

For this purpose the accused calls Betty Weshington. She had been at Mudd's house since the Monday after Christmas last, except when here at court, and says that the prisoner, Mudd, has only been away from home three nights during that time. This witness forgets that Mudd has not been at home any night or day since the court assembled. Neither does she account for the three nights in which she swears to his absence from home. The testimony of Henry H. Mudd, his brother, in support of this alibi, is, that the prisoner was in Washington on the 23d of March, and on the loth of April, four days before the murder! But he does not account for the absent night in January, about which Betty Washington testifies. Thomas Davis was called for the same purpose, but stated that he was himself absent one night in January, after the 9th of that month, and he could not say whether Mudd was there on that night or not. He does testify to Mudd's absence over night three times, and fixes one occasion on the night of the 26th of January. In consequence of his own absence one night in January, this witness cannot account for the absence of Mudd on the night referred to by Betty Washington. This matter is entitled to no further attention. It can satisfy no one, and the burden of proof is on the pris oner to prove that he was not in Washington in January last.

How can such testimony convince any rational man that Mudd was not here in January, against the evidence of an unimpeached witness, who swears that Samuel A. Mudd was in Washington in the month of January? Who that has been examined here as a witness The Rev. Mr. Evans swears that he saw him n Washington last winter, and that at the

same time he saw Jarboe, the one coming out of and the other going into a house on H street, which he was informed, on inquiry, was the house of Mrs. Surratt. Jarboe is the only witness called to contradict Mr. Evans, and he leaves it in extreme doubt whether he does not corroborate him, as he swears that he was here last winter or fall, but cannot state exactly the time. Miss Ann H. Surratt is also called for the

purpose of impeaching Mr. Evans. It is sufficent to say of her testimony on that point that she swears negatively only-that she did not see either of the persons named ather mother's It is further in testimony that Samuel A.

Mudd was here on the 3d day of March last, the day preceding the inauguration, when Booth was to strike the traitrous blow; and it was doubtless, only by the interposition of that God who stands within the shadow and keeps watch above his own, that the victim of this conspiracy was spared that day from the assassin's hand that he might complete his work and see the salvation of his country in the fall of Richmond and the surrender of its great army. Dr. Mudd was here on that day (the 3d of March) to abet, to encourage, to nerve his co-conspirator for the commission of this great crime. He was carried away by the awful purpose which possessed him, and rushed into the room of Mr. Norton at the National Hotel in search of Booth, exclaiming excitedly: "I'm mistaken; I thought this was Booth's room.' He is told Mr. Booth is above, on the next floor. He is followed by Mr. Norton, because of his rude and excited behavior, and being followed, conscious of his guilty errand, he turns away, afraid of himself and afraid to be found in concert with his fellow confederate. Mr. Norton identifies the prisoner, and has no doubt that Samuel A. Mudd is the man.

The Rev. Mr. Evans also swears that, after the 1st and before the 4th of March last, he is certain that within that time, and on the 2d or 3d of March, he saw Dr. Mudd drive into Washington city. The endeavor is made by the accused, in order to break down the testimony of this witness, by proving another alibi.

Judge Bingham proceeded to comment upon the evidence on this point of the sisters of Dr. Mudd and of his servants. The sisters say that he was at their father's house for breakfast on the morning of the 2d of March; the servants say he was at home for breakfast with them on that day. If this testimony is followed, it proves one alibi too much. It is impossible, in the nature of things, that the testimony of all these four witnesses can be true.

Seeing this weakness in the testimony brought to prove this second alibi, the endeavor is next made to discredit Mr. Norton for truth; and two witnesses, not more, are called, who testify that his reputation for truth has suffered by contested litigation between one of the impeaching witnesses and others. Four witnesses are called, who testify that Mr. Norton's reputation for truth is very good; that he is a man of high character for truth, and entitled to be believed whether he speaks under the obligation of an oath or not. Judge B. said he would pass for the present

from the consideration of the testimony show-

ing Dr. Mudd's connection with Booth in this conspiracy, with the remark that it is estab. lished, both by the testimony adduced by the prosecution and that by the prisoner, that since the commencement of this rebellion John H. Surratt visited the prisoner's house; that he concealed Surratt and other rebels and traitors in the woods near his house, where for several days he furnished them with food and bedding; that the shelter of the woods by night and by day was the only shelter that the prisoner dare furnish these friends of his; that in November Booth visited him and remained over night: that he accompanied Booth at that time to Gardner's, from whom he purchased one of the horses used on the night of the assassination to aid the escape of one of his confederates; that the prisoner had secret interviews with Hooth and Surratt, as sworn to by the witness, Weichmann, in the National Hotel, whether on the 23d of December or in January is a matter of entire indifference; that he rushed into Mr. Norton's room on the 3d of March in search of Eooth; and that he was here again on the 10th of April, four days before the murder of the President. Of his conduct after the assassination of the President, which is confirma-tory of this—his conspiring with Booth and his sheltering, concealing and aiding the flight of his co-conspirator, this felon assassin-he would speak hereafter, leaving him for the present with the remark that the attempt to prove his character has resulted in showing him in sympathy with the rebellion, so cruel that he shot one of his slaves and declared his purpose to send several of them to work on the rebel batteries in Richmond. He proceeded to the consideration of the case

of Arnold and O'Laughlin. On the 10th of February the prisoners Arnold and O'Laugh-lin came to Washington and took rooms in the house of Mrs. Vantyne; were armed: were there visited frequently by John Wilkes Booth, and alone; were occasionally absent when Booth called, who seemed anxious for their return—would sometimes leave notes for their return—would sometimes leave notes for them, and sometimes a request that when they came in they should be told to come to the stable. On the 18th of March last, when Booth played in "The Apostate," the witness, Mrs. Vantyne, received from O'Laughlin cempli-

mentary tickets. These persons remained there until the 20th of March. They were visited, so far as the witness knows, during their stay at her house only by Booth, save that on a single occasion an unknown man came to see them, and remained with them over night. They told the witness they were in the "oil business." With Mudd, the guilty purpose was sought to be concealed by declaring that he was in the "land business;" with O'Laughlin and Arnold it was attempted to be concealed by the pretence that they were in the "oil business." Booth, it is proved, had closed up all connection with oil business last September. There is not a word of testimony to show that the accused, O'Laughlin and Arnold, ever invested or sought to invest, in any way or to any amount, in the oil business; their silly words betray them; they forgot when they uttered that false statement that truth is strong, next to the Almighty, and that their crime must find them out, was the irrevocable and irresistible law of nature and of nature's God.

One of their co-conspirators, known as yet only to the guilty parties to this damnable plot and to the Infinite, who will unmask and avenge all blood-guiltness, comes to bear wit-ness, unwittingly, against them. This un-known conspirator, who dates his letter at South Branch Bridge, April 6, 1865, mailed and postmarked Comberland, Maryland, and addressed to John Wilkes Booth, by his initials, "J. W. B., National Hotel, Washington, D. C.," was also in the "oil speculation." That this letter is not a tabrication is made apparent by the testimony of Purdy, whose name occurs in

Judge Bingham proceeding with his analysis of the evidence, he took up the letter of Arnold to Booth, dated March 26, 1845, signed "Sam" and said here is the confession of the prisoner Arnold, that he was one with Booth in this conspiracy; the further confession that they are suspected by the government of their country, and the acknowledgement that since they parted Booth had communicated, amongst other things a suggestion which leads to the remark in this letter, "I would prefer your first query "Go and see how it will be taken at Richmond' and ere long I shall be better prepared to again be with you.' This is a declaration that affects Arnold, Booth, and O'-Laughlin, alike, if the court are satisfied, and it is difficult to see how they can have doubt on the subject, that the matter to be referred to Richmond is the matter of the assassination of the President and others, to effect which these parties had previously agreed and conspired together. It is a matter in testimony, by the declaration of John H. Surratt, who is as clearly proved to have been in this conspiracy and murder as Booth himself, that about the very date of this letter, the 27th of March, upon the suggestion of Booth, and with his knowledge and consent, he went to Richmond, not only to see "how it would be taken there," but to get funds with which to carry out the enterprise, as Booth had already declared to Chester in one of his last interviews, when he said that he or "some one of the party" would be constrained to go to Richmond for funds to carry out the conspiracy. Surratt returned from Richmond, bringing with him some part of the money for which he went, and was then going to Canada, and as the testimony discloses, bringing with him the dispatches from Jefferson Davis to his chief agents in Canada, as Inompson de made the proposed assassination "all right Surratt, after seeing the parties here, left immediately for Canada and delivered his despatches to Jacob Thompson, the agent of Jefferson Davis. This was done by Surratt upon the suggestion, or in exact accordance with the suggestion, of Arnold, made on the 27th of March in his letter to Booth just read, and vet the 27th of March Arnold had abandoned the conspiracy.

Surratt reached Canada with these de spatches, as we have seen, about the 6th or 7th of April last, when the witness Conover saw them delivered to Jacob Thompson, and heard their contents stated by Thompson, and the declaration from him that these despatches made it "all right." That burratt was at that time in Canada is not only established by the testimony of Conover, but it is also in evidence that he told Weichmann on the 3d of April that he was going to Canada, and on that day left for Canada, and afterwards, two letters addressed by Surratt over the fictitious signature of Jahn Harrison; to his mother and to Miss Ward, dated at Montreal, were received by them on the 14th of April, as testified by Weichmann and by Miss Ward, a witness called for the defence. Thus it appears that the condition named by Arnold in his letter had been complied with. Booth had "gone to Richmond," in person of Sarrat, "to see how it would be taken." The rebel authorities at Richmond had approved it, the agent had returned, and Arnold, to use his own words, thereby the better prepared to rejoin Booth in the prosecution of this conspiracy. To this end Arnold went to Fortress Monroe

As his letter expressly declares, Booth said when they parted, "we would not meet in a month or so, and therefore I made application for employment—an answer to which I shall receive during the week" He did receive the answer that week from Fortress Monree, and went there to await the "more propitious time," bearing with him the weapon of death which Booth had provided and ready to oney his call, as the act had been approved at Richmond and made "all right." Acting upon the same fact that the conspiracy had been approved in Richmond and the funds provided. D'Laughlin came to Washington to identity General Grant, the person who was to become the victim of his violence in the final consummation of this crime-General Grant, whom as is averred in the specification, it had become the part of O'Laughlin by his agreement in this conspiracy to kill and murder. On the evening preceding the assassination-the 13th of April-by the testimony of three reputable witnesses, against whose truthfulness not one word is uttered here or elsewhere, O'Laughlin went into the house of the Secretary of War, where General Grant then was, and placed himself in position in the hall where he could see him, having declared before he reached that point to one of these witnesses that he wished to see General Grant. The house was brilliantly illuminated at the time; two at least of the witnesses conversed with the accused and the other stood very near to him, took special notice of his conduct, called attention to it, and suggested that he be put out of the house, and he was accordingly put out by one of the witnesses. These witnesses are confident, and have no doubt, and so swear upon their oaths, that Michael O'Laughlin is the man who was present on that occasion. There is no denial on the part of the accused that he was in Washington during the day and during the night of April 13, and also during the day and during the night of the 14th; and yet, to get rid of this testimony, recourse is had to that com-mon device—an alibi; a device never more frequently resorted to than in this trial. But what an alibi! Nobody is called to prove it save some men, who, by their own testimony, were engaged in a drunken debauch through the evening. A reasonable man who reads their evidence can hardly be expected to allow it to outweigh the united testimony of three unimpeached and unimpeachable witnesses who were clear in their statements, who entertain no doubt of the truth of what they say, whose opportunities to know were full and complete, and who were constrained to take special notice of the prisoner by reason of his extraordinary conduct. These witnesses describe accurately the ap-

pearance, stature and complexion of the accused, but because they describe his clothing as dark or black, it is urged that as part of his clothing, although dark, was not black, the witnesses are mistaken. O'Laughlin and his drunken companions, (one of whom swears that he drank ten times that evening,) were strolling in the streets, and in the direction of the house of the Secretary of War, up the avenue; but you are asked to believe that these witnesses could not be mistaken in saying they were not off the avenue above 7th street, or on K street. No man who reads their testimony can determine satisfactorily all the places that were visited by O'Laughlin and his drunken associates that evening from 7 to 11 o'clock p. m. All this time, from 7 to 11 o'clock p. m., must be accounted for satisfactorily before the alibi can be established.

Judge B. proceeded to point out the contradictions of the witnesses for the alibi and said if these witnesses prove an alibi, it is really against each other. It is folly to pretend that they prove facts which make it impossible that O'Laughlin could have been at the house of Secretary Stanton, as three witnesses swear he was, on the evening of the 13th of April, looking for General Grant.

Has it not, by the testimony thus reviewed, been established prima facie that in the months of February, March, and April, O'Langhia had combined, confederated, and agreed with John Wilkes Booth and Samuel Arnold to kill and murder Abraham Lincoln, William H. Seward, Andrew Johnson, and Ulysses S. Grant! Is it not established, beyond a shadow of donby, that Booth had so conspired with of doubt, that Booth had so conspired with

the rebel agents in Canada ay early as October last; that he was in search of agents to do the work on pay, in the interest of the rebellion, and that in this speculation Arnold and O'Laughlin had joined as early as February; that then, and after, with Booth and Surrati they were in the "oil business," which was the business of assassination by contract as a speculation ! If this conspiracy on the part of O Laughlin with Arnold is established even prima facie, the declarations and acts of Ar-nold and Booth, the other conspirators, in furtherance of the common design, is evidence against O'Laughlin as well as against Arnold himself or the other parties. The rule of law is that the act or declaration of one conspirator, done in pursuance or in the rance of the com-mon design, is the act or declaration of all the conspirators. (1 Wharton, 706.]

The letter therefore of his co-conspirator,

Arnold, is evidence against O'Laughlin, be-cause it is in an act in the prosecution of the common conspiracy, suggesting what should be done in order to make iteffective, and which out. The defence has attempted to avoid the force of this letter by reciting the statement of Arnold, made to Horner at the time he was arrested, in which he declared, among other things, that the purpose was to abduct President Lincoln and take him south; that it was to be done at the theater by throwing the President out of the nox upon the floor of the stage, when the accused was to catch him. The very announcement of this testimony excited derision that such a tragedy meant only to take the President and carry him gently away! This pigmy to eatch the giant as the assassing hurled him to the floor from an elevation of twelve feet! The Court has viewed the theater, and must be satisfied that Booth. in leaping from the President's box, broke his limb. The Court cannot fail to conclude that his statement of Arnold was but another silly device, like that of "the oil business," which, for the time being, he employ d to hide from the knowledge of his captor the fact that the purpose was to murder the President No man can, for a moment, believe that any one of these conspirators hoped or desired, by such a proceeding as that stated by this prisoner, to take the President alive in the presence of thousands assembled in the theater after he had thus been thrown upon the floor of the stage, much less to carry him through the city, through the lines of your army, and de-liver him into the hands of the rebels. No such purpose was expressed or hinted by the con-spirators in Canada, who commissioned Booth to let these assassinations on contract.

Arnold does confess that he was a conspirafor with Booth in this proposed murder; that Booth had a letter of introduction to Dr. Mudd; that Booth, O'Laughlin, Atzerodt, Surratt, a man with an alias, "Mosby," and another man whom he does not know, and himself were parties to this censpiracy, and that Booth had furnished them all with arms. He concludes this remarkable statement to Horner with the declaration that at that time, to wit, the first week of March, or four weeks before he went to Fortress Monroe, he left the conspiracy, and that Booth told him to sell his arms if he chose. This is sufficiently answered by the fact that, four weeks afterwards, he wrote his letter to Booth, which was found in Booth's possession after the assassination, suggesting to him what to de in order to make the conspiracy a success, and by the further fact that at the very moment he uttered these declarations, part of his arms were found upon his person, and the rest not disposed of, but at his father's house. A party to a treasonable and murderous con-

spiracy against the government of his country cannot be held to have abandoned it because he makes such a declaration as this, when he is in the hands of the officer of the law, arrested for his crime, and especially when his declaration is in conflict with and expressly contradicted by his written acts, and unsupported by any conduct of his which becomes a citizen and a man.

If he abandoned the conspiracy, why did he not make known the fact to Abraham Lincoln. and his constitutional advisers that these men, armed with the weapons of assassination, were daily lying in wait for their lives! To pretend that a man thus conducts himself for weeks after the pretended abandonment, volunteering advice for the successful prosecution of the conspiracy, the evidence of which is in writing, and about which there can be no mistake, has, in fact, abandoned it, is to insult

the common understanding of men.

That John H. Surratt, George A. Atzerodt,
Mary E. Surratt, David E. Herold and Louis Payne, entered into this conspiracy with Booth, is so very clear upon the testimony, that little time need be occupied in bringing again before the Court the evidence which establishes it. By the testimony of Weichmann we find Atzerodt in February at the house of the prisoner. Mrs. Surratt. He inquired for her or for John. when he came and remained over night. After this and before the assassination he visited there frequently, and at that house bore the name of "Port Tobacco," the name by which he was known in Canada among the conspirators there.

Judge Bingham recapitulated in clear terms the points of evidence bearing against Atzerodt, and said the testimony of all these witnesses leaves no doubt that the prisoner, Geo. A. Atzerodt, entered into this conspiracy with Booth; that he expected to receive a large compensation for the service that he would render in its execution; that he had undertaken the assassination of the Vice President for a price; that he, with Surratt and Herold, rendered the important service of depositing the arms and ammunition to be used by Booth and his confederates as a protection in their flight after the conspiracy had been executed; and that he was careful to have his intended vic-tim pointed out to have his intended vic-pied in the hotel, so that when he came of form his herrid work he would know precisely where to go and whom to strike. His confession in his defense is conclusive of his

That Payne was in this conspiracy is confessed in the defense made by his counsel, and is also evident from the facts proved

It is almost imposing upon the patience of the Court to consume time in demonstrating the fact, which none conversant with the testimony of this case can for a moment doubt, that John H. Surratt and Mary E. Surratt were as surely in the conspiracy to murder the President as was John Wilkes Booth himself. A recapitalation of the evidence bearing apon

Surratt was given by Judge Bingham.

That Mary E Surratt is as guilty as her son of having thus conspired, combined, and confederated to do this murder, in aid of this re-bellion, is clear. First, her house was the headquarters of Booth, John H. Surratt, Atzerodt, Payne, and Herold She is inquired for by Atzerodt; she is inquired for by Payne and she is visited by Booth, and holds private conversations with him. His picture, together with that of the chief conspirator, Jefferson. Davis, is found in her house. She sends to Booth for a carriage to take her, on the 11th of April, to Surrattsville, for the purpose of perfecting the arrangement deemed necessary to the successful execution of the conspiracy, and especially to facilitate and protect the conspirators in their escape from justice. On that occasion Booth, having disposed of his car-riage, gives to the agent she employed ten dollars with which to hire a conveyance for that purpose And yet the pretence is made that Mrs. Surratt went on the 11th to Surrattsville exclusively upon her own private and lawful business. Can any one tell, if that be se, how it comes that she should apply to Booth for a conveyance, and how it comes that he, of his own accord, having no conveyance to furnish her, should send her ten dollars with which to procure it? There is not the slightest indication that Booth was under any obligation to her, or that she had any claim upon him, ex-cept that he was bound to contribute, being the agent of the conspirators in Canada and Richmond, whatever money might be neces-sary to the consummation of this infernal plot. On that day, the 11th of April, John H. Surratt had not returned from Canada with the funds furnished by Thompson! Upon that journey of the 11th the accused,

Mary E. Surratt. met the witness John M.

Lloyd at Uniontown. She called him, he got

out of his carriage and came to her, and she whispered to him in so low a tone that her attendant could not hear her words, though Lloyd, to whom they were spoken, did dis-tinctly hear them, and testifies that she told him he should have those "shooting-irons" ready, meaning the carbines which her son, and Herold, and Atzerodt had deposited with him, and added the reason, "for they would soon be called for." On the day of the assassination she again sent for Booth, had an interview with him in her own house, and immediately went again to Surrattsville, and then, at about six o'clock in the afternoon, she delivat about six o'clock in the afternoon she delivered to Lloyd a field-glass, and told him "to have two bottles of whisky and the carbines ready, as they would be called for that night." Having thus perfected the arrangement she returned to Washington to her own house, at about half-past eight o'clock in the evening, to await the sual result. How could this woman anticipate on Friday afternoon, at six o'clock, that these arms would be called for and would be needed that night unless she was in the conspiracy and knew the blow was to be struck, and the flight of the assassing a sempted and by that route? Was not the private conversation which Booth held with her in her parlor on the afternoon of the l4th of April, just before she left on this business, of the orders she should give to have of April, just before she left on this business, in relation to the orders she should give to have the arms ready.

An endeavor is made to impeach Lloyd. But the court will observe that no witness has been called who contradicts Lloyd's statement in any material matter, neither has his general any material matter, neither has his general character for truth been assailed. How, then, is he impeached? It is claimed that his testimony shows that he was a party to the conspiracy? Then it is conceded by those who set up any such pretence that there was a conspiracy. A conspiracy between whom? There can be no conspiracy without the co operation or agreement of two or more persons. Who were the other parties to it? Was it Mary E. Surratt? Was it John H. Surratt, George A.

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